

REMARKS

In the Office Action dated November 14, 2003, claim 39 was objected to; claims 1, 2, 5, 29, 34, 38, 39, and 43 were rejected under 35 U.S.C. § 102 over Culpepper, "SIP INFO Method for Event Reporting," draft-culpepper-sip-info-event-00.txt (April 2000); claims 9-12, 18-21, 24, 25, 28, 35, 36, and 40-42 were rejected under § 103 over Culpepper in view of Choudhuri, "SIP INFO Method for DTMF Digit Transport and Collection," draft-choudhuri-sip-info-digit-00.txt (April 2000); claims 13 and 23 were rejected under § 103 over Culpepper in view of Choudhuri and Media Gateway Control Protocol (MGCP), Version 1.0 (hereinafter "MGCP"); claims 3 and 30 were rejected under § 103 over Culpepper in view of MGCP; claims 4, 6-8, 14-17, 22, 26, and 27 were rejected under § 103 over Culpepper in view of Choudhuri, MGCP, and Bearer Independent Call Protocol (BICP) ITU Recommendation Q.1901; and claims 31-33, 37, and 44 were rejected under § 103 over Culpepper in view of BICP.

Claim 39 has been amended to address the typographical error. No change in the claim scope has been effected by this amendment.

Claim 1 recites receiving a call request from a first media gateway controller to a second media gateway controller over a network, requesting information from the first media gateway controller, and receiving the information *before establishing a bearer path over the network*.

Culpepper, on the other hand, describes the use of the SIP INFO method for communicating *mid-call* events in SIP sessions. Culpepper at 1. Culpepper also mentions the use of the SIP INFO method for carrying *mid-session* signaling messages. *Id.* Therefore, it is clear that Culpepper relates to using a SIP INFO message to communicate information *after* a bearer path over a network has been established. Mid-call or mid-session refers to events that occur once a call session, including the bearer path, has been set up. For at least this reason, claim 1 is not anticipated by Culpepper.

In response to this argument presented by Applicant in the last Reply, the present Office Action stated that the present specification at page 6, lines 10-26, teaches mid-call events, similar to Culpepper. There are two embodiments described in the cited passage.

DTMF digits can be collected before establishing a call or during a call. Specification, page 6, lines 26-27. However, claim 1 refers to one of these embodiments, namely the embodiment in which information requested from the media gateway controller is received *before* establishing a bearer path over a network.

The claim language cannot be ignored in applying the teachings of a reference to the claim. Claim 1 is unambiguous in stating that the information is received before establishing a bearer path over the network. This is distinguished clearly over Culpepper. Culpepper talks about using SIP INFO messages to carry DTMF tones or digits. However, Culpepper is unambiguous in noting that such digits (or other events) are communicated during mid-call (Culpepper, page 1, Abstract), and communicated along a SIP signaling path (Culpepper, page 1, last paragraph). It is clear from this context and from the expressed words of Culpepper itself that the DTMF digits and tones are communicated after a call session has been established--that is, after a bearer path has been established over a network. This contradicts the language of claim 1. Therefore, withdrawal of the § 102 rejection of claim 1 is respectfully requested.

Independent claim 12 was rejected as being obvious over the asserted combination of Culpepper and Choudhuri. Claim 12 recites an apparatus that includes a controller to receive a call request from a media gateway controller, to determine if at least one digit is required to *establish a call session*, and to receive the at least digit from the media gateway controller over the packet-based network from the media gateway controller in response to determining that the at least one digit is required.

Note that claim 12 recites determining if a digit is required to *establish* a call session, and to receive such digit for *establishing* a call session from the media gateway controller. This implies that the determining and receiving acts are performed prior to establishment of a call session. As noted above, Culpepper teaches using the SIP INFO message for communicating *mid-call* events in SIP sessions. Choudhuri also describes using SIP INFO messages to perform *mid-session* signaling, Choudhuri at 1-2.

Therefore, even if the asserted combination of Culpepper and Choudhuri is proper, such a combination does not teach or suggest determining if a digit is required to establish a call session and receiving that at least one digit from a media gateway controller in response to determining that the at least one digit is required. Therefore, for at least this reason,

the hypothetical combination of Culpepper and Choudhuri does not teach or suggest the claimed invention, and thus, a *prima facie* obviousness rejection has not been properly established with respect to claim 12.

In response to these arguments, the Office Action adopted the same arguments as provided for claim 1, namely, that Culpepper teaches receiving a digit from a media gateway controller prior to establishing a call session. As noted above, Culpepper is unambiguous in its discussion that all DTMF tones or digits are carried *during*, not *before*, a call session. The present Office Action has also failed to address Applicant's arguments that Choudhuri also teaches the use of SIP INFO messages to perform mid-session signaling. Thus, both references cited by the Office Action against claim 12 provide teachings that contradict the subject of claim 1. Therefore, the obviousness rejection of claim 12 over Culpepper and Choudhuri is defective and should be withdrawn.

Claim 18 depends from claim 12 and is allowable for at least the same reasons. Moreover, claim 18 recites that the controller is further adapted to *complete a call session in response to receiving the at least one digit*. The SIP INFO messages exchanged in mid-session described in Culpepper and Choudhuri cannot satisfy this element.

Independent claim 20 was also rejected over the asserted combination of Culpepper and Choudhuri. Claim 20 recites that *prior* to a call session being established in response to a call request, a controller is adapted to receive a request to collect digits from a media gateway controller over a packet-based network. As noted above, Culpepper and Choudhuri teach communicating events during (not prior to) call session establishment. Therefore, the hypothetical combination of Culpepper and Choudhuri does not teach or suggest this element.

Independent claim 29 was rejected as being anticipated by Culpepper. Culpepper does not teach receiving a request to establish a call session from a media gateway controller, requesting information from the media gateway controller, and receiving the information from the media gateway controller *before* establishing a voice path over the packet-based network.

Independent claim 37 was rejected over the hypothetical combination of Culpepper and BICP. Even if the asserted combination of Culpepper and BICP is proper,

such combination does not teach or suggest receiving at least one digit in one of a BICC and Session Initiation Protocol message from a media gateway controller *before* establishing a voice path over a packet-based network.

With respect to dependent claim 38 (which depends from claim 1), it is respectfully submitted that Culpepper fails to disclose receiving a SIP Invite message containing an ISUP Initial Address Message (IAM). The Office Action cited to the Abstract and to section 1 of Culpepper as teaching this feature--a review of these sections indicates that there is no such teaching of a SIP Invite message containing an ISUP IAM. Also, it is respectfully submitted that Culpepper does not "inherently" disclose that requesting and receiving of information occurs prior to sending a SIP OK message in response to the Invite message. As clearly described in Culpepper, a call session is first established, after which SIP INFO messages can be used to carry various events, including DTMF signaling. To establish a call session, an OK message must first be transmitted in response to an Invite message. Therefore, what Culpepper teaches is the communication of SIP INFO messages *after* the Invite and OK messages have been exchanged.

With respect to dependent claim 42, neither Culpepper nor Choudhuri discloses receiving a digit in an SIP Info message prior to the controller sending a SIP OK message. Similarly, with respect to claim 43, Culpepper does not disclose sending a SIP Info message to a media gateway controller *prior* to establishing a call session in response to an Invite message. With respect to claim 44, neither Culpepper nor BICP discloses receiving a digit in a SIP Info message *prior* to establishing a call session in response to an Invite message.

In view of the foregoing, it is respectfully submitted that all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NORT.0075US).

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Respectfully submitted,



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